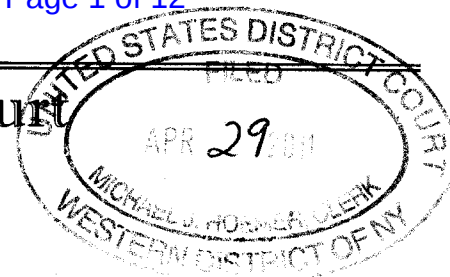


**United States District Court**  
for the  
**Western District of New York**



United States of America )

v. )

Case No. 11-M-

85

KEVIN LEE MARTIS )*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about March 11, 2011 and continuing until on or about April 27, 2011, in the Western District of New York, the defendant violated Title 18, United States Code, Section 2422(b), an offense described as follows:

using interstate facilities to persuade, induce, entice and coerce an individual who has not attained the age of 18 to engage in sexually explicit conduct.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

James J. Markovich, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: April 29, 2011

Judge's signature

City and State: Buffalo, New York

H. KENNETH SCHROEDER, JR.  
United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK     )  
COUNTY OF ERIE        )     SS:  
CITY OF BUFFALO        )

I, James J. Markovich, being duly sworn, deposes and says:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and entered on-duty in 2003. I am currently assigned to the Buffalo Field Office Innocent Images National Initiative which targets individuals involved in the on-line sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423.

2. I make this affidavit in support of a criminal complaint charging KEVIN LEE MARTIS with violating Title 18, United States Code, Section 2422(b). The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation.

3. Title 18, United States Code, Section 2422(b) makes it a federal crime to use the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

4. Facebook is an Internet social networking site, wherein individual users maintain their own profiles, and can communicate with other Facebook users via Internet messaging, Internet postings, and Internet chats. Typically, users display personal information on their Facebook profile, including e-mail address, employer, and interests.

5. Yahoo! is an Internet search engine that also provides users with e-mail and instant messaging/chat services, and allows users to communicate via the Internet with other Internet users.

6. On or about March 30, 2011, FBI Task Force Officer (TFO) Michael Hockwater and your affiant interviewed a 15 year old male victim (VCT1) at the Kenmore Police Department. During the interview, VCT1 described his communications on Facebook with an

individual using the Facebook screen-name KEVIN MARTIS. During the Facebook communications between VCT1 and MARTIS, MARTIS solicited VCT1 for a sexual act in exchange for money. At some unknown point during these communications between VCT1 and MARTIS, MARTIS changed his Facebook screen-name to KEVIN KDAWG.

7. VCT1 and his father gave written authorization for the FBI to take over VCT1's online identity for Facebook and Yahoo!. On or about March 31, 2010 the FBI took control over the Facebook and Yahoo! accounts belonging to VCT1.

8. Using VCT1's Facebook account, the FBI viewed the Facebook page of screen-name KEVIN KDAWG. The FBI compared photos on the KEVIN KDAWG Facebook page to a NYS DMV photo of KEVIN LEE MARTIS, date of birth 09/05/1986, and positively identified him as screen-name KEVIN KDAWG. KEVIN KDAWG'S Facebook page listed an e-mail address of lucylover1986@yahoo.com, a place of employment as Target, and a residence in Lancaster, New York.

9. On or about April 11, 2011, I used physical surveillance to confirm that MARTIS was an employee of the Target store located at 4920 Transit Road, Depew, New York. Additionally, a blue 2007 Honda Civic bearing New York registration EXP7234, registered to

KEVIN LEE MARTIS, of Lancaster, N.Y., was observed parked in the Target store's parking lot.

10. On or about April 1, 2011 through April 20, 2011, FBI TFO Hockwater and I exchanged communications with KEVIN KDAWG and lucylover1986@yahoo.com using VCT1's online identity via Facebook, Yahoo! Email, and Yahoo! Instant Messenger.

11. On April 20, 2011, TFO Hockwater engaged in a Yahoo! Instant Messenger chat with lucylover1986@yahoo.com. The following is an excerpt of the chat session that took place:

lucylover1986 (1:44:26 PM): u wanna come over like noon tomorrow or fri

lucylover1986 (1:44:31 PM): i can pick u up

VCT1 (1:45:01 PM): maybe... what u got in mind...

lucylover1986 (1:45:34 PM): bring u over u can watch some tv or lay back in my bed close ur eyes, i wanna undress you, kiss u all over. give u a hot blowjob. i'm not gonna butt rape u or anything

VCT1 (1:48:38 PM): sounds wild... i never done that

lucylover1986 (1:49:29 PM): no one would know

lucylover1986 (1:49:31 PM): id tell no one

lucylover1986 (1:49:35 PM): and u get \$100 out of it

VCT1 (1:50:36 PM): i wont get in any trouble cause im only 15 right.....

lucylover1986 (1:50:56 PM): nope

lucylover1986 (1:51:32 PM): and when u want the ipod i work at target i could get u one at a discount

lucylover1986 (1:51:36 PM): which one u want bud

lucylover1986 (1:51:46 PM): a nano or shuffle

VCT1 (1:51:46 PM): so you if yur sure.....whats next

12. Lucylover1986 and TFO Hockwater (using the online identity of VCT1) went on to make arrangements to meet on or about April 21, 2011, for purposes of engaging in sexual acts in exchange for payment to VCT1. MARTIS did not appear at the designated time and place.

13. On or about April 20, 2011, a 13 year old male Victim (VCT2) contacted the Village of Depew Police Department and filed an incident report relating to Facebook screen-name KEVIN KDAWG, believed by the VCT2 and the Depew Police department to be KEVIN MARTIS. VCT2 alleged to the Depew Police that on or about April 20, 2011, KEVIN KDAWG and VCT2 had Facebook communications discussing sexual acts and set up a meeting later in the evening for the purpose of having sex. During the communications, VCT2 made KEVIN KDAWG aware that he was only 13 years old. On or about April 20, 2011, at the pre-determined time and at the pre-determined location, an individual believed to be MARTIS showed up to meet with VCT2.

14. VCT2 provided the Depew Police Department with printouts of Facebook communications between VCT2 and KEVIN KDAWG, as well as Facebook profile photos of KEVIN KDAWG from his Facebook page.

15. On or about April 21, 2011, Depew Police Detective Scott Hossfeld interviewed MARTIS at his residence. During the interview, MARTIS admitted to communicating over the Internet with VCT2. MARTIS admitted to arranging a meeting with VCT2 for the purposes of performing sexual acts with VCT2. MARTIS admitted to driving to the designated meeting place and attempting to meet VCT2 on or about April 20, 2011. MARTIS stated to Detective Hossfeld, "I knew it was illegal."

16. On or about April 21, 2011, MARTIS voluntarily drove himself to the Depew Police Headquarters. MARTIS then wrote out a statement in the presence of Detective Hossfeld. In this statement, MARTIS admitted to communicating with VCT2 on Facebook and to meeting VCT2 at VCT2's mother's house.

17. In his statement, MARTIS further admitted that there was "kiddy porn" on his laptop computer. While at the Depew Police Headquarters, he also stated to Detective Hossfeld, "I'm glad you guys caught me before I did something stupid like rape or kidnapping."

18. While at Depew Police Headquarters, Detective Hossfeld provided MARTIS with printouts of Facebook communications between MARTIS and VCT2. MARTIS positively identified the printouts as Internet communications that had taken place between himself (KEVIN KDAWG) and VCT2. Detective Hossfeld also provided MARTIS with photos printed from the Facebook profile of KEVIN KDAWG, which MARTIS positively identified as photos of himself.

19. On April 27, 2011 TFO Hockwater and your affiant interviewed VCT2 at his home. During the interview, VCT2 confirmed the information that he had provided to the Depew Police Department. VCT2 was presented with a copy of the Internet communications between himself and KDAWG that he had earlier provided to the Depew Police Department. VCT2 placed an "X" next to the lines that were written by VCT2.

20. The following are six (6) excerpts of the Facebook communications sessions that took place between VCT2 and KEVIN KDAWG on or about April 20, 2011:

Excerpt #1:

1:42pm

VCT2 : hey

KEVIN KDAWG : so u got two profiles?  
i added the otther one



VCT2 : yupp  
so did u get my email

KEVIN KDAWG : yea who'd u hear this from

VCT2 : people online  
but if ur serious i will

KEVIN KDAWG : yea how old are u bud

VCT2 : 13  
hbu

KEVIN KDAWG : kool  
22

VCT2 : cool  
so do u want to do things

KEVIN KDAWG : i love guys ur age, we could have some fun  
yea  
what have u done before

VCT2 : almost everything  
except sex

KEVIN KDAWG : do u cum yet

VCT2 : ya buddy

KEVIN KDAWG : nice

VCT2 : ya  
so whst do u like to do

KEVIN KDAWG : i got a big penis and i cum a ton  
i'd love to kiss u, undress you, give you a hot  
blowjob u ever had a blowjob?

VCT2 : ya

KEVIN KDAWG : cool

VCT2 : i cant wait

KEVIN KDAWG : do u have pubic hair yet

VCT2 : i shaved for u

KEVIN KDAWG : nice

VCT2 : ya so hbu

KEVIN KDAWG : i stay trimmed  
dont like to be too hairy  
im in lancaster as well off transit  
u

VCT2 : lol me to it looks weird  
and i live in [location removed]

KEVIN KDAWG : oh sweet  
im not to far  
id come now if u were home alone?

Excerpt #2:

KEVIN KDAWG : do u have a naked pic?  
i got some

Excerpt #3:

KEVIN KDAWG : u ever been rimmed or know what that is

VCT2 : yes i do

KEVIN KDAWG : i like going that  
u been fucked?

VCT2 : no i would like to though

KEVIN KDAWG : im big though  
so maybe i can finger u  
and see what that leads to

Excerpt #4:

7:36pm

KEVIN KDAWG : i cant wait to undress u and kiss and taste u  
all over

VCT2 : im gonna walk to my moms house and no ones home and  
we can go inside and do what ever u want ok  
bc its not tht far so  
its ok

KEVIN KDAWG : did u wanna do that

VCT2 : I live on [street address removed]

KEVIN KDAWG : ok one sec lemme look it up

VCT2 : ok

KEVIN KDAWG : ok cool  
how long of a walk  
its a 15 min drive for me  
we prob will both leave same time

VCT2 : ill be there by 9:45 so u come to at tht time  
are u serious bout this like me bc I rele eanna get  
with u

KEVIN KDAWG : yes!

Excerpt #5:

KEVIN KDAWG : i just gotta get cash  
i dont have any money on me

VCT2 : o lol ok

KEVIN KDAWG : did u wanna do this now or have to wait

VCT2 : what u mean

KEVIN KDAWG : I could come now  
why 945

Excerpt #6:

KEVIN KDAWG : cool  
we can sex it up in ur bed now  
do u need me to bring lube?  
if u wanna try anal

VCT2 : ya pleae lol

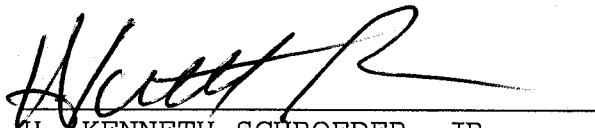
KEVIN KDAWG : kewl

21. Based on the above information, there is probable cause to believe that KEVIN LEE MARTIS knowingly used facilities of interstate commerce to persuade, induce, entice and coerce an individual who had not attained the age of 18 to engage in sexually explicit conduct, in violation of Title 18, United States Code, Section 2422(b).



JAMES J. MARKOVICH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
29th day of April, 2011



H. KENNETH SCHROEDER, JR.  
United State Magistrate Judge